

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Monica Granfield,

NO. C 11-05403 JW

Plaintiff,

**ORDER DISMISSING CASE FOR LACK  
OF SUBJECT MATTER JURISDICTION**

v.

NVIDIA Corp.,

Defendant.

On July 11, 2012, the Court issued an Order Granting in part and Denying in part Defendant's Motion to Dismiss.<sup>1</sup> In its July 11 Order, the Court held that Plaintiff could not maintain any causes of action under the laws of any state other than Massachusetts, where Plaintiff purchased her allegedly defective computer. (*Id.* at 5-7.) In addition, the Court found that Plaintiff lacked standing to assert claims based on deficiencies in any model of computer other than the model purchased by Plaintiff. (*Id.* at 10-11.) However, the Court denied Defendant's Motion to Dismiss as to Plaintiff's claim under Chapter 93A of Massachusetts law, and ordered Plaintiff to submit an amended complaint consistent with the terms of that Order. (*Id.* at 7, 11.)

On August 15, 2012, Plaintiff submitted a Statement in Response to the Court's July 11 Order.<sup>2</sup> In her Response, Plaintiff states that in light of the Court's July 11 Order, she cannot

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<sup>1</sup> (hereafter, "July 11 Order," Docket Item No. 60.)


<sup>2</sup> (Plaintiff's Submission in Response to Court's July 11, 2012 Order Granting in part and Denying in part Defendant's Motion to Dismiss, hereafter, "Response," Docket Item No. 63.)

1 represent that the aggregate value of the claims of the putative class exceeds \$5,000,000, as is  
2 required to invoke jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d). (Id. at 1.)

3       Upon review, and in light of Plaintiff's admission that she cannot plead a good faith basis for  
4 the Court's jurisdiction, the Court finds that it lacks subject matter jurisdiction over this case.  
5 Accordingly, the Court DISMISSES this action without prejudice to Plaintiff to refile it in state  
6 court if she so desires.

7       Judgment shall be entered as to the claims the Court dismissed with prejudice in its July 11  
8 Order.

9  
10 Dated: August 27, 2012

  
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JAMES WARE  
United States District Chief Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: August 27, 2012**

**Richard W. Wieking, Clerk**

**By: /s/ JW Chambers**  
**William Noble**  
**Courtroom Deputy**